

FORT PECK TRIBES

Assiniboine & Sioux

November 15, 2007

Mr. Phil Hogen, Chairman
VIA Fax: (202) 632-7066
National Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

RE: Proposed Class II Regulations and Definitions

Dear Chairman Hogen:

The Fort Peck Assiniboine & Sioux Tribes oppose promulgation of the NIGC's proposed class II regulations in their current form, particularly those which seek to change the definition of class II. The new regulations could deprive the Tribes of the benefits of its federal litigation and send a dismal message to all that "too much" economic success can be reversed by the very federal agency charged with overseeing that success. We urge the NIGC not to reject the well-established rules of law regarding statutory interpretation and not to destroy a vital tool for tribal economies.

For many tribes, the ability to offer class II without state interference provides essential resources and leverage to negotiate some form of compact for class III gaming. Removing this tool from the Tribes without removing any tools from the states further undermines state incentives to negotiate reasonable gaming compacts. Class II remains an important economic tool.

The very federal agency charges with overseeing successful Indian gaming should not impose regulations which will serve only to strip away any success the Tribes may have in gaming. We strongly urge the NIGC to abandon its current efforts to re-define Class II.

Sincerely,


Chairman John Morales, Jr.
Fort Peck Assiniboine & Sioux Tribes

Attachment: Tribal Resolution

CC: Mike Gross, NIGC Attorney
Jim McGee, Field Investigator
Frank Smith, Chairman Economic Dev.
TSAOC

Senator Max Baucus
Senator - Elect Jon Tester
Representative Denny Rehberg

Poplar, Montana 59255

P.O. Box 1027

(406) 768-5155

RESOLUTION #XXX -2006-11**TRIBAL GOVERNMENT
ADMINISTRATIVE**

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboiné and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws, and

WHEREAS, the National Indian Gaming Commission is proposing changes to the regulation of Class II Indian Gaming including amending definitions and game classification standards, and

WHEREAS, the proposed changes are intended to more clearly distinguish Class II Gaming from Class III Gaming making the regulations more restrictive than existing regulations and are likely to limit the types of gaming machines that are currently operated as Class II devices, and

WHEREAS, the Fort Peck Tribes have a Class III Gaming Compact with the State of Montana, and gaming provides income and economic development for the reservation, and

WHEREAS, if enacted, the proposed regulations will be detrimental to gaming on Fort Peck Reservation, now

THEREFORE BE IT RESOLVED, the Fort Peck Tribal Executive Board does hereby oppose the National Indian Gaming Commission's proposed regulatory changes to Class II Gaming

CERTIFICATION

I, the undersigned Secretary Accountant of the Tribal Executive Board of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom constituting a quorum were present at a Regular Meeting duly called and convened this 27th day of November, 2006 and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of for.

APPROVED:

Secretary Accountant/Secretary

Chairman/Vice-Chairman
Fort Peck Tribal Executive Board

Superintendent
Fort Peck Agency